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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,860	10/25/2001	Sami Savilaakso	324-010533-US(PAR)	1096

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PERMAN & GREEN
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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,860	SAVILAAKSO, SAMI	
	Examiner	Art Unit	
	Dai A Phuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-16,18-24,26 and 27* is/are rejected.

7)☒ Claim(s) *7, 17 and 25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 8-9, 11-16, 18-19, 21-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakoda (U.S. 6,665,533) in view of Cox et al. (Pub. No: 2003/0216145).

Regarding claim 1, Sakoda discloses a method of using a service in a mobile communication network, in which method a service formed of one or more service contents are provided to be used by mobile stations connected to a mobile communication system, comprising: sending a transmission request for the desired service content from a mobile station (col. 6, lines 66 to col. 7, lines 8 and col. 8, lines 39-45); and transmitting from the mobile communication system the service content to all mobile stations logged in to receive service content (col. 7, lines 9-23 and col. 7, lines 33-42). But, Sakoda does not disclose registering the received transmission request in the transmission queue maintained in the mobile communication system; reading the service content having the transmission turn from the transmission queue when the service is transmitted.

In the same field of endeavor, Cox et al. disclose registering the received transmission request in the transmission queue maintained in the mobile communication system ([0039]);

reading the service content having the transmission turn from the transmission queue when the service is transmitted ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically including registering the received transmission request in the transmission queue maintained in the mobile communication system; reading the service content having the transmission turn from the transmission queue when the service is transmitted, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 2, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. Further, Sakoda discloses a method wherein sending a transmission request for the desired service content from the mobile station on the control channel of the mobile communication system (col. 2, lines 46-51 and col. 2, lines 66 to col. 3, lines 10).

Regarding claim 3, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. Further, Sakoda discloses a method wherein transmitting service content to the mobile stations logged in to receive service content on the service channel of the mobile communication system (col. 7, lines 9-23 and col. 8, lines 62-67).

Regarding claim 4, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. Further, Sakoda discloses a method wherein the service is music and the service content is a piece of music (col. 4, lines 59-67, col. 6, lines 14-18 and col. 8, lines 51-55).

Regarding claim 5, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. But, Sakoda does not disclose a method wherein registering the received transmission

request last in the transmission queue and reading the first service content in the transmission queue as the service content having the transmission turn.

In the same field of endeavor, Cox et al. disclose a method wherein registering the received transmission request last in the transmission queue and reading the first service content in the transmission queue as the service content having the transmission turn ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically including registering the received transmission request last in the transmission queue and reading the first service content in the transmission queue as the service content having the transmission turn, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 6, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. Further, Sakoda discloses a method further comprising billing the mobile station for sending the transmission request for service content (col. 7, lines 65-67).

Regarding claim 8, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. Further, Sakoda discloses a method wherein providing in the mobile communication system the number and/or the total transmission time of the service contents in the transmission queue to be read by the mobile stations (col.7, lines 45-51).

Regarding claim 9, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. Further, Sakoda discloses a method wherein providing in the mobile communication system the transmission order of the service contents in the transmission queue to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim 11, Sakoda discloses an arrangement for using a mobile communication service, comprising a mobile communication system (col. 2, lines 66 to col. 3, lines 10), which comprises base stations (col. 2, lines 66 to col. 3, lines 10) for transmitting services formed of one or more service contents, the arrangement further comprising one or more mobile stations connected to the base station of the mobile communication system (fig. 1, col. 2, lines 66 to col. 3, lines 10), wherein at least one mobile station of the mobile stations connected to the base station comprises means for sending a transmission request for the desired service content (col. 2, lines 66 to col. 3, lines 10), and means for transmitting the service content to all mobile stations located in the service area of the base station and logged in to receive service content (col. 7, lines 9-23).

In the same field of endeavor, Cox et al. disclose the arrangement further comprising means for maintaining the transmission queue of service contents, means for receiving the transmission request for the desired service content, means for registering the received transmission request in the transmission queue, means for reading the service content having the transmission turn from the transmission queue when the service is transmitted ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically maintaining the transmission queue of service contents, means for receiving the transmission request for the desired service content, means for registering the received transmission request in the transmission queue, means for reading the service content having the transmission turn from the transmission queue when the service is transmitted, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 12, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising one or more control channels for sending transmission requests for service contents of mobile stations (col. 2, lines 66 to col. 3, lines 10), and that sending means of the mobile station are arranged to send a transmission request for the desired service content on said control channel (col. 2, lines 46-51).

Regarding claim 13, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. Further, Sakoda discloses an arrangement the mobile communication system further comprising a service channel for sending a service to the mobile stations logged in to receive a service (col. 7, lines 9-23).

Regarding claim 14, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. Further, Sakoda discloses an arrangement wherein the service is music and that the service content is a piece of music (col. 4, lines 59-67, col. 14-18 and col. 8, lines 51-55).

Regarding claim 15, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. But, Sakoda does not disclose an arrangement the arrangement further comprising means for positioning the received transmission request last in the transmission queue and means for reading as the service content having the transmission turn the first service content in the transmission queue.

In the same field of endeavor, Cox et al. disclose an arrangement the arrangement further comprising means for positioning the received transmission request last in the transmission

queue and means for reading as the service content having the transmission turn the first service content in the transmission queue ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically including positioning the received transmission request last in the transmission queue and means for reading as the service content having the transmission turn the first service content in the transmission queue, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 16, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising means for billing the mobile station for sending the transmission request for service content (col. 7, lines 65-67).

Regarding claim 18, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. Further, Sakoda discloses an arrangement the arrangement further comprising means for presenting the number and/or the total transmission time of the service contents in the transmission queue to be read by the mobile stations (col. 7, lines 45-51).

Regarding claim 19, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. But, Sakoda does not disclose an arrangement the arrangement further comprising means for presenting the transmission order of the service contents in the transmission queue to be read by the mobile stations.

In the same field of endeavor, Cox et al. discloses an arrangement the arrangement further comprising means for presenting the transmission order of the service contents in the transmission queue to be read by the mobile stations ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically including presenting the transmission order of the service contents in the transmission queue to be read by the mobile stations, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 21, Sakoda disclose a network element in a mobile communication system for offering a service to mobile stations connected to the mobile communication system, wherein the network element comprises, means for receiving the transmission request for the desired service content sent by the mobile station connected to the base station (col. 6, lines 66 to col. 7, lines 8), the intention being to send said service content to all mobile stations located in the service area of the base station and logged in to receive service content (col. 7, lines 9-23). But, Sakoda does not disclose means for maintaining the transmission queue of service contents, means for registering the received transmission request in the transmission queue, and means for reading the service content having the transmission turn from the transmission queue when the service is transmitted

In the same field of endeavor, Cox et al. disclose means for maintaining the transmission queue of service contents, means for registering the received transmission request in the transmission queue, and means for reading the service content having the transmission turn from the transmission queue when the service is transmitted ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically including maintaining the transmission queue of service contents, means for registering the received transmission request in the transmission queue, and means for reading the service content having the transmission turn from the transmission queue when the service is transmitted, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 22, the combination of Sakoda and Cox et al. disclose all the limitation in claim 21. Further, Sakoda discloses a network element wherein the service is music and the service content is a piece of music (col. 4, lines 59-67, col. 6, lines 14-18 and col. 8, lines 51-55).

Regarding claim 23, the combination of Sakoda and Cox et al. disclose all the limitation in claim 21. But, Sakoda does not disclose a network element wherein the network element comprises means for positioning the received transmission request last in the transmission queue, and means for reading as the service content having the transmission turn the service content first in the transmission queue.

In the same field of endeavor, Cox et al. disclose a network element wherein the network element comprises means for positioning the received transmission request last in the transmission queue, and means for reading as the service content having the transmission turn the service content first in the transmission queue ([0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminal of Sakoda by specifically including registering the received transmission request in the transmission queue maintained in the mobile communication system; reading the service content having the transmission turn from the transmission queue

when the service is transmitted, as taught by Cox et al., the motivation being in order to avoid traffic delays.

Regarding claim 24, the combination of Sakoda and Cox et al. disclose all the limitation in claim 21. Further, Sakoda discloses a network element the network element further comprising means for billing the mobile station for sending the transmission request for service content (col. 7, lines 65-67).

Regarding claim 26, the combination of Sakoda and Cox et al. disclose all the limitation in claim 21. Further, Sakoda discloses a network element the network element further comprising means for presenting the number and/or the total transmission time of the service contents in the transmission queue to be read by the mobile stations (col. 7,lines 45-51).

Regarding claim 27, the combination of Sakoda and Cox et al. disclose all the limitation in claim 21. Further, Sakoda discloses a network element, the network element further comprising means for presenting the transmission order of the service contents in the transmission queue in the mobile communication system to be read by the mobile stations (col. 7,lines 45-51).

3. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakoda (U.S. 6,665,533) in view of Cox et al. (Pub. No: 2003/0216145) and further in view of Lohtia et al. (U.S. 6,560,456).

Regarding claim 10, the combination of Sakoda and Cox et al. disclose all the limitation in claim 1. But, the combination of Sakoda and Cox et al. do not particularly disclose a method wherein the mobile communication system is a GSM or UMTS digital mobile communication

system, adapted for sending a transmission request for service content a short message (SMS) or by means of the WAP protocol.

However, Lohtia et al. disclose a method wherein the mobile communication system is a GSM or UMTS digital mobile communication system, adapted for sending a transmission request for service content a short message (SMS) or by means of the WAP protocol (col. 4, lines 51 to col. 5, lines 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of the combination of Sakoda and Cox et al. by specifically including the mobile communication system is a GSM or UMTS digital mobile communication system, adapted for sending a transmission request for service content a short message (SMS) or by means of the WAP protocol, as taught by Lohtia et al, the motivation being in order to receive desired information such as text message, audio data, image over short message service.

Regarding claim 20, the combination of Sakoda and Cox et al. disclose all the limitation in claim 11. But Sakoda does not explicitly disclose an arrangement wherein the mobile communication system is a digital GSM or UMTS mobile communication system, and said transmission request for service content a short message (SMS) or by means of the WAP protocol.

In the same field of endeavor, Lohtia et al. disclose an arrangement wherein the mobile communication system is a digital GSM or UMTS mobile communication system, and said transmission request for service content a short message (SMS) or by means of the WAP protocol (col. 4, lines 51 to col. 5, lines 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication terminal of the combination of Sakoda and Cox et al. by specifically including the mobile communication system is a digital GSM or UMTS mobile communication system, and said transmission request for service content a short message (SMS) or by means of the WAP protocol, as taught by Lohtia et al, the motivation being in order to receive desired information such as text message, audio data, image over short message service.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 7, 17 and 25 are objected

Claims 7, 17 and 25 are objected to as being dependent upon a rejected base claims 6, 16 and 24 respectively, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance: the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest a method wherein billing the mobile station for sending the transmission request for service content, **the sum being according to the wishes of the mobile station user, whereby the position of the service content in the transmission queue depends on the sum paid by the user.**

Conclusion

Response to Arguments

5. Applicant's arguments filed April 15, 2005 have been fully considered but they are not persuasive.

Accordingly the cellular wireless communication system of Sakoda discloses both distributing requested content and broadcasting information.

First, the user turns on a switch of a terminal 30, and the terminal 30 changes from an off state to a stand-by state. The terminal 30 in the stand-by state receives an advertisement (information, please see col. 4, lines 59-67) distributed by the common traffic channel (CTCH), and stores it in the storage 34 provided inside its own terminal. When the user inputs a command demanding specified information to the terminal 30, the terminal 30 checks whether the information is stored in the storage 34 and, when it is not stored, transmits a request for information (demand for contents) to the CS 20. In this case, the request for information is further forwarded to the contents server 10, the information (requested contents) is searched in the contents server 10, provided to the terminal 30 via the CS 20, stored in the storage 34 (store contents), and provided to the user in a viewable way (show contents). When the information requested by the user is being downloaded from the contents server 10, the terminal 30 again provides the user with the advertising information stored in the storage 34 via a liquid crystal screen, sound, etc.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2685
Date: 05-12-2005

W. R. YOUNG
PRIMARY EXAMINER